IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 238 OF 2007

Damodar Mangalji & Co. Ltd.,
Having its office at "Damodar Niwas"
Mahatma Gandhi Road,
Panaji, Goa. .... Petitioner

V/s

Bandekar Bros. Pvt. Ltd.,
Sarvarn Bandekar Building,
Vasco-da-Gama, Goa. .... Respondent

Mr. M.S. Joshi, Advocate for the Petitioner.
Mr. E. Dias, Advocate for the Respondent.

CORAM : N.A. BRITTO, J.

DATE : 16th AUGUST, 2007

ORAL ORDER :

Heard learned Counsel on behalf of both the parties.

2. Challenge in this Petition is to the order dated 23/02/2007. There is no dispute that the plan sought to be produced by application dated 15/01/2007 was the plan prepared by PW3 Jayashankar which according to the witness was drawn by him after his visit to the property on 25/02/2005. Being so, the production of the said plan could not have been refused by the learned trial Court. Needless to observe the defendants would be entitled to cross-examine the said PW3 Jayashankar on all aspects concerning the said plan.

3. Petition is allowed on the above terms with no order as to costs.

N.A. BRITTO, J.

NH/-